

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Assessment and Collection	)	
of Regulatory Fees for	)	MD Docket No. 01-76
Fiscal Year 2001	)	
	)	

**COMMENTS**

The Wireless Communications Association International, Inc. (“WCA”), by its attorneys, hereby submits its comments in response to the March 29, 2001 *Notice of Proposed Rulemaking* in the above-captioned proceeding.<sup>1/</sup>

As the Commission is aware, WCA is the principal trade association of the fixed wireless industry, and is the primary industry advocate for Multipoint Distribution Service (“MDS”) licensees and other users of MDS spectrum.<sup>2/</sup> Accordingly, WCA has a direct interest in the Commission’s proposed FY 2001 regulatory fees for MDS licensees, and in the Commission’s proposed implementation of those fees as set forth in the *NPRM*.

The Commission currently proposes to assess an FY 2001 regulatory fee of \$450 “per call sign” for all MDS licensees.<sup>3/</sup> WCA assumes that by “per call sign,” the Commission intended to refer only to each “master” MDS call sign in the Commission’s database, and not to any separate

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<sup>1/</sup> FCC 01-97 (rel. Mar. 29, 2001) [hereinafter cited as “*NPRM*”].

<sup>2/</sup> WCA members also include licensees and other users of Instructional Television Fixed Service (“ITFS”) spectrum at 2.5 GHz, as well as entities that provide or support the provision of fixed wireless service at 2.3 GHz, 18 GHz, 28 GHz, 31 GHz and 38 GHz allocated generally to the Wireless Communications Service (“WCS”), Local Multipoint Distribution Service (“LMDS”) and Private Operational Fixed Service (“POFS”).

<sup>3/</sup> *NPRM*, Attachment E at 1 and Attachment F at 9.

response hub and booster call signs that may be associated with each “master” call sign pursuant to the Commission’s new rules permitting MDS operators to deploy response hubs and boosters for two-way services.<sup>4/</sup> As reflected in Attachment C to the *NPRM*, the Commission calculated the fee using the Mass Media Bureau’s FY 2001 estimate of 2,000 call signs (also referred to as “payment units”) for the MDS and LMDS services combined, 1,036 fewer than the number of MDS/LMDS call signs used to calculate the MDS/LMDS regulatory fee for FY 2000.<sup>5/</sup> Obviously, then, the Bureau’s FY 2001 estimate does not include the innumerable response hub and booster call signs that the Commission will issue as it processes thousands of MDS two-way applications that were filed during the initial MDS two-way filing window in August 2000 and that will continue to be filed during the Commission’s rolling one-day MDS two-way filing window system that commenced on April 16, 2001.<sup>6/</sup> Moreover, assessment of the MDS “per call sign” fee on response hub and booster call signs clearly would force MDS licensees to pay exponentially larger fees in the aggregate than

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<sup>4/</sup> See generally *Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions*, 13 FCC Rcd 19112 (1998); *Amendment of Parts 1, 21 and 74 to Employ Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions; Request for Declaratory Ruling on the Use of Digital Modulation by Multipoint Distribution Service and Instructional Television Fixed Service Stations*, 14 FCC Rcd 12764 (1999). Under the Commission’s current licensing system for two-way MDS facilities, an MDS response hub or booster station is assigned the call sign of its “master” station with an “H” or “B” suffix, respectively (for example, the response hubs for MDS station KNSD389 would be assigned call signs KNSD389-H01, KNSD389-H02, etc., and boosters would be assigned call signs KNSD389-B1, KNSD389-B2, etc.). See, e.g., FCC Public Notice, “Mass Media Bureau - Instructional Television Fixed Service/Multipoint Distribution Service Actions” (rel Apr. 6, 2001) (announcing grants of applications filed during August 2000 MDS two-way filing window).

<sup>5/</sup> Compare *NPRM*, Attachment C with *Regulatory Fees for Fiscal Year 2000*, 15 FCC Rcd 14484, Attachment C (2000).

<sup>6/</sup> See FCC Public Notice, “Mass Media Bureau Provides Further Information Regarding Grants of ITFS and MDS Two-Way Applications; Certain ITFS Major Modification Applications; and the Rolling One-Day Filing Window Procedure” (rel. Mar. 26, 2001).

what the Commission determined they should pay in the *NPRM*.<sup>7/</sup> Nonetheless, to ensure that there is no confusion about this matter, WCA asks that the Commission explicitly confirm in its *Report and Order* for this proceeding that the \$450 “per call sign” fee for MDS will be assessed only for each “master” MDS call sign, and not for any response hub or booster call signs issued thereunder.

WHEREFORE, for the reasons set forth above, WCA requests that the Commission issue a *Report and Order* in this proceeding consistent with the request for clarification set forth herein.

Respectfully submitted,

THE WIRELESS COMMUNICATIONS  
ASSOCIATION INTERNATIONAL, INC.

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<sup>7/</sup> See *NPRM*, Attachment C (stating that the pro-rated FY 2001 Revenue Requirement for MDS/LMDS in the aggregate is \$899,605).

